IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

OP.No. 22144 of 2002(J)

PETITIONER:

K.P.SHIJITH, S/O. K.P.BALAN,
`THEJESS', MUDADI AMSOM, VELAKADU DESOM,
P.O.MUDADI, QUILANDI TALUK, KOZHIKODE DISTRICT.

BY ADV. SRI.K.V.SOHAN

RESPONDENTS:
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1. THE MOODADI PANCHAYATH,
P.O. MOODADI, KOZHIKODE DISTRICT,
REPRESENTED BY ITS SECRETARY.

2. THE KERALA POLLUTION CONTROL BOARD,
REPRESENTED BY ITS MEMBER SECRETARY,PATTOM PALACE,
P.O.PLAMOOD JUNCTION, TRIVANDRUM.

3. KIZHAKKE VAZHAYIL GEETHA,
D/O. KURUMBAN, KIZHAKKE VAZAYIL HOUSE,
MOODADI AMSOM AND MUCHUKUNNU DESOM,QUILANDY TALUK

BY ADV. SRI.B.V.JOY SANKER
R3 BY ADV. SRI.R.K.MURALEEDHARAN
SRI.R.PARTHASARATHY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 12/03/2007, THE COURT ON 12/03/2007 DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO.37944/2002 IN O.P. NO.22144/2002

DISMISSED:

12.3.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE REPRESENTATION SENT BY PETITIONER TO R1 DT.5.2.2002.

P2: TRUE COPY OF REPRESENTATION SENT BY PETITIONER TO R2 DT.8.5.2002.

TRUE COPY

P.S. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.22144 of 2002

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Dated this the 12th day of March, 2007.

JUDGMENT

While the case of the petitioner is that third respondent is mining laterite stones without licence, counsel for the third respondent submitted that third respondent has licence. It is further stated that the property involved in only 50 cents of land. Since there was no stay, mining would have been continuing during pendency of O.P. and if so, the mine would have been exhausted by now. In any case O.P. is disposed of with direction to the Geologist to ensure that mining is done only with proper licence and after payment of royalty. The petitioner will produce copy of this judgment before the Geologist for compliance.

C.N.RAMACHANDRAN NAIR
Judge

pms